

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 1381
SENATE BILL 1064

AN ACT TO AUTHORIZE THE LOCATION OF GARBAGE COLLECTION
CONTAINERS BY MUNICIPALITIES AND COUNTIES ON THE STATE HIGHWAY
SYSTEM RIGHTS-OF-WAY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 136 of the General Statutes is hereby amended by adding a new section to read as follows:

"§ 136-18.3. **Location of garbage collection containers by counties and municipalities.** —

(a) The Board of Transportation is authorized to issue permits to counties and municipalities for the location of containers on rights-of-way of State-maintained highways for the collection of garbage. Such containers may be located on highway rights-of-way only when authorized in writing by the State Highway Administrator in accordance with rules and regulations promulgated by the Board of Transportation. Such rules and regulations shall take into consideration the safety of travelers on the highway and the elimination of unsightly conditions and health hazards. Such containers shall not be located on fully controlled access highways.

(b) The provisions of G.S. 14-399, which make it a misdemeanor to place garbage on highway rights-of-way, shall not apply to persons placing garbage in containers in accordance with rules and regulations promulgated by the Board of Transportation.

(c) The written authority granted by the Board of Transportation shall be no guarantee that the State system highway rights-of-way on which the containers are authorized to be located is owned by the Board of Transportation, and the issuance of such written authority shall be granted only when the county or municipality certifies that written permission to locate the refuse container has been obtained from the owner of the underlying fee if the owner can be determined and located.

(d) Whenever any municipality or county fails to comply with the rules and regulations promulgated by the Board of Transportation or whenever they fail or refuse to comply with any order of the Board of Transportation for the removal or change in the location of a container, then the permit of such county or municipality shall be revoked. The location of such garbage containers on highway rights-of-way after such order for removal or change is unauthorized and illegal, the Board of Transportation shall have the authority to remove such unauthorized or illegal containers and charge the expense of such removal to the county or municipality failing to comply with the order of the Board of Transportation."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1974.